

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUBIN WINES, LLC,
Plaintiff,

v.

PFLUG PACKAGING & FULFILLMENT,
INC., et al.,
Defendants.

Case No. [17-cv-04815-JSC](#)

**ORDER TO SHOW CAUSE RE:
SUBJECT MATTER JURISDICTION**

Plaintiff removed this action to federal court upon the parties' stipulation. (Dkt. No. 1.) Plaintiff subsequently filed an amended complaint which alleges diversity jurisdiction. (Dkt. No. 17 ¶ 2.) The original complaint and first amended complaint, however, each allege that Plaintiff Rubin Wines is a "California limited liability company" and that defendant Pflug is a California corporation. (Dkt. Nos. 1-1 ¶¶ 1, 2; 17 ¶¶ 6, 7.) It thus appears that there is not complete diversity and thus no federal jurisdiction. *See* 28 U.S.C. § 1332(a); *see also Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996) ("28 U.S.C. § 1332(a) ... applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.").

The parties are therefore ordered to show cause why this action should not be remanded to state court. In particular, each party shall file a written response to this show cause order on or before November 21, 2017. The parties shall bear in mind that for a limited liability company such as Plaintiff Rubin Wines, the company is considered a citizen of each state where each of its members is a citizen. *See Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

The case management conference scheduled for November 16, 2017 is continued to December 7, 2017, assuming the Court has subject matter jurisdiction.

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IT IS SO ORDERED.

Dated: November 14, 2017


JACQUELINE SCOTT CORLEY
United States Magistrate Judge